



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, SEPTEMBER 15, 2004

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 4

2.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority: Government Code 54957
Public Employee Performance Evaluation: City Manager
Attendees: City Council

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Pursuant to Government Code 54956.9(a)
Case Name: General Lighting Service, Inc. v. City of Morgan Hill
Case Number: Santa Clara County Superior Court, Case No. 1-04-CV-025561

4.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Legal Authority: Government Code 54957
Public Employee Performance Evaluation: City Attorney
Attendees: City Council, City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITION

Water Hero Recognition

PROCLAMATION

Constitution Week
Daughters of the American Revolution
Nathalie Averett

CITY COUNCIL REPORT

Mayor Pro Tempore Sellers

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-13

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

1. **AGREEMENT WITH THE LAW FIRM OF HATCH & PARENT** **1**
Recommended Action(s): Authorize the City Manager to Execute an Agreement with the Law Firm of Hatch & Parent.
2. **INFORMATION TECHNOLOGY SERVICES CONTRACT** **11**
Recommended Action(s): Authorize the City Manager to Execute the Agreement, Subject to Review and Approval by the City Attorney.

CONSENT CALENDAR:

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
3.	<u>AMENDMENT TO AGREEMENT WITH SANTA CLARA VALLEY WATER DISTRICT REGARDING THE OPERATION OF THE TENNANT WELL PERCHLORATE REMOVAL SYSTEM</u> Recommended Action(s): <u>Authorize</u> the City Manager to Execute an Amendment to the Existing Agreement with Santa Clara Valley Water District for the Operation of Tennant Well, Subject to Review and Approval by the City Attorney.	43
4.	<u>APPROVAL OF IMPROVEMENT AGREEMENT FOR 18585 MONTEREY ROAD – GATEWAY CENTER, PHASE 2 (APN: 764-10-009)</u> Recommended Action(s): 1. <u>Approve</u> the Improvement Agreement with South Valley Developers, Inc. and 2. <u>Authorize</u> the City Manager to Sign the Agreement on Behalf of the City.	51
5.	<u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 8791, DEL MONTE ESTATES</u> Recommended Action(s): 1. <u>Adopt</u> Resolution Accepting the Subdivision Improvements Included in Tract 8791, Commonly Known as Del Monte Estates; and 2. <u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder’s Office.	63
6.	<u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR QUAIL CREEK PHASE I (TRACT 9427)</u> Recommended Action(s): 1. <u>Adopt</u> Resolution Accepting the Subdivision Improvements Included in Tract 9427, Commonly Known as Quail Creek, Phase I; and 2. <u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder’s Office.	69
7.	<u>FINAL MAP APPROVAL FOR QUAIL CREEK, PHASE III (TRACT 9561)</u> Recommended Action(s): 1. <u>Approve</u> the Final Map, Subdivision Agreement, and Improvement Plans; 2. <u>Authorize</u> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and 3. <u>Authorize</u> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	75
8.	<u>APPROVAL OF AMENDED IMPROVEMENT AGREEMENT FOR 1295 EAST DUNNE AVENUE (APN 728-17-023)</u> Recommended Action(s): 1. <u>Approve</u> the Amended Improvement Agreement with Mr. and Mrs. Waiyan and Tsai-pi Ho; and 2. <u>Authorize</u> the City Manager to Sign the Agreement on Behalf of the City.	87
9.	<u>RESOLUTION REQUESTING AUTHORIZATION UNDER SECTION 21221(h) OF CALIFORNIA CODE FROM PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS) FOR BRUCE CUMMING TO BE EMPLOYED FOR MORE THAN 960 HOURS IN A ONE-YEAR PERIOD</u> Recommended Action(s): <u>Approve</u> the Resolution Requesting CalPERS for an Extension for Interim Police Chief Bruce Cumming to be Employed for more than 960 Hours in a One-Year Period.	99

CONSENT CALENDAR:

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
10.	<u>ADOPT ORDINANCE NO. 1694, NEW SERIES</u>	103
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1694, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1474, NEW SERIES, AMENDING THE LIST OF PERMITTED USES FOR DIGITAL ISLAND OF THE MORGAN HILL RANCH BUSINESS PARK TO ALLOW GENERAL OFFICE USES AND UP TO 40,000 SQUARE FEET OF MEDICAL/DENTAL OFFICE USES (APNs 726-25-080 thru -082) (ZA-04-07: DIGITAL – VENTURE PROFESSIONAL CENTER).	
11.	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR AUGUST 11, 2004</u>	111
12.	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR SEPTEMBER 1, 2004</u>	115
13.	<u>APPOINTMENTS TO THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA) VALLEY TRANSPORTATION PLAN DESIGN ENHANCEMENTS (VTP DE) COMMITTEE</u>	117
	<u>Recommended Action(s):</u>	
	1. <u>Appoint</u> Planning Commissioner Robert Benich, and Architectural Review Board Members James Fruit and Yarmila Kennett to the VTP DE Committee; and	
	2. <u>Direct</u> the City Clerk's Office to Notify the VTA of the City Council's Appointments to this Committee.	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 14

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
14.	<u>APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR SEPTEMBER 1, 2004</u>	121

City Council Action

PUBLIC HEARINGS:

	Time Estimate	Page
15.	3 Minutes	
	<u>STREET NAME CHANGE: SAINT LOUISE DRIVE TO DePAUL DRIVE</u>	137
	Public Hearing Opened.	
	Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
	Council Discussion.	
	Action- <u>Adopt</u> Resolution Approving the Street Name Changes.	

PUBLIC HEARINGS:

	Time Estimate		Page
16.	20 Minutes	<u>GENERAL PLAN AMENDMENT, GPA-04-05: ZONING AMENDMENT, ZA-04-11: COCHRANE-TBI</u>	143
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Approve</u> Mitigated Negative Declaration.	
		Action- <u>Adopt</u> General Plan Amendment Resolution.	
		Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
17.	15 Minutes	<u>GENERAL PLAN AMENDMENT, GPA-04-03: ZONING AMENDMENT, ZA-04-09: BUTTERFIELD-SOUTH VALLEY DEVELOPERS</u>	231
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Approve</u> Mitigated Negative Declaration.	
		Action- <u>Adopt</u> General Plan Amendment Resolution.	
		Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
18.	8 Minutes	<u>ZONING AMENDMENT APPLICATION, ZA-04-02: COCHRANE-ASSISTED LIVING CENTER</u>	313
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
19.	30 Minutes	<u>URBAN LIMIT LINE STUDY STATUS REPORT</u>	327
		<u>Recommended Action(s):</u>	
		1. <u>Review</u> the Status Report; and	
		2. <u>Provide</u> Questions and Comments for the Advisory Committee.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT